

REMARKS

This is in full and timely response to the above-identified Office Action. The above listing of the claims supersedes any previous listing. Favorable reexamination and reconsideration are respectfully requested in view of the preceding amendments and the following remarks.

Claim amendments/Status

In this response, the subject matter of claim 5 is introduced into independent claim 1 and claim 5 is cancelled. Accordingly claims 1-4 and 6-9 remain pending in this application.

Rejections under 35 U.S.C. § 102/103

The rejections of:

Claims 1-9 are rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over JP 2002-290094;

Claims 1-9 are rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Patel et al (6,528,572) and

Claims 1-9 are rejected under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over LeGrande et al. (2004/0028859);

are summarily traversed.

It is respectfully submitted that none of the cited references discloses the subject matter set forth in claim 5 and as such the above-mentioned amendment of independent claim 1 is such as to set forth novel and non-obvious subject matter.

More specifically, a review of each indicates that they all disclose the use of a polymer resin, carbon nanotubes and a metal.

The JP-2002 290094 reference discloses the use of thermoplastic resins as different from the thermosetting requirement of pending claim 7 to differentiate over this reference. It does however, disclose nanotubes – see [0014] and metal fibers – see [0022]

USP 6,528,572 is such that claim 8, for example, recites that an electrically conductive filler is selected from the group consisting of carbon fibers, vapor grown carbon fibers, carbon nanotubes, carbon black, conductive metal fillers, conductive non-metal fillers, metal coated substrates, and mixtures comprising at least one of the foregoing electrically conductive fillers.

US 2004/0028859, is such that the abstract of this publication sets forth that the disclosed invention is a coating composition having outstanding electrically conductive and electromagnetic radiation absorptive properties which uses is disclosed with a water emulsion polymer binder. The binder is a blend of a first emulsion containing a conjugated diene as monomer or comonomer, and a second emulsion containing an acrylic, aliphatic or aromatic polyurethane, polyester urethane, polyester, epoxy, polyamide, polyimide, vinyl, fluoropolymer, or silicone polymer. An effective amount of electrically conductive and electromagnetic radiation absorptive particles is dispersed in the binder. The particles include a combination of graphite particles, carbon nanotubes and metal containing particles. An effective amount of water is also present.

It should be noted, however, that while the polymeric material is dispersed in water and is applied as a paint, and that the paint when it cures – see paragraph [0043] – will form a matrix. Nevertheless, the polymer is not specifically classified as being either thermosetting or thermoplastic.

The above analysis of the references is such that the references are taken one-by-one may have had some relevance to the subject matter of claim 1, the amendment of claim 1 is such as to render anticipation and obviousness issues both moot.

Conclusion

It is respectfully submitted that the claims as they have been amended are allowable over the art which has been applied in this Office Action. Favorable reconsideration and allowance of this application are courteously solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
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Date: October 23, 2008